

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 80-20

AMENDING ORDER NO. 79-147 AN ORDER REQUIRING
THE CITIES OF SAN JOSE AND SANTA CLARA TO
CEASE AND DESIST FROM DISCHARGING WASTES
FROM THE SAN JOSE/SANTA CLARA WATER POLLUTION
CONTROL PLANT IN VIOLATION OF THE REQUIREMENTS OF
ORDER NO. 77-107 (NPDES PERMIT NO. CA0037842) AS
AMENDED BY ORDER NO. 78-92

The California Regional Water Quality Control Board, San Francisco Bay
Region, (hereinafter called the Board) finds that:

1. On October 25, 1979, the Board adopted Order No. 79-147 requiring the Cities of San Jose and Santa Clara (hereinafter called the discharger) to cease and desist from discharging wastes in violation of requirements contained in Board Orders No. 77-107 and No. 78-92.
2. The requirements contained in Order No. 79-147 provide, in part, as follows:

"C. The discharger shall retain an independent consultant to prepare a report on the capability of the waste treatment facility to treat present and future waste flows. This consultant and the scope of work shall be approved by the Executive Officer. The report shall cover the following:

1. Review the criteria used in the design and the actual design of the treatment facility. Current loadings, growth and projected loading projections should be utilized in order to determine the adequacy of the present design.
2. Review the actual capabilities of the treatment plant to meet present waste discharge requirements at present and projected loadings.
3. Review the staffing levels, modes of operation and operational controls being used.
4. Evaluate the potential cause of the plant upset and indicate to what extent each contributed to the upset.
5. Recommend corrective actions for any of the above topics where deficiencies are identified.

This report shall be prepared and submitted according to the following time schedule:

<u>Task</u>	<u>Compliance Date</u>
Retain Consultant	by November 14, 1979
Submit Scope of Work	by November 28, 1979
Submit Report (Item 1 thru 3)	by January 4, 1980
Submit Complete Report	by February 15, 1980
Submit Time Schedule for necessary Treatment Plant Improvements or Plans to limit further connections to the remaining capacity of the treatment plant	by February 29, 1980"

"G. The discharger is required to submit by December 16, 1979 an interim contingency plan that will mitigate the adverse impacts on beneficial water uses during treatment plant upsets or failure to provide dechlorination pending compliance with the prohibition of discharge south of the Dumbarton Bridge or any exception. The contingency plan shall include a full description of all feasible actions to be taken, persons responsible for taking the actions and the anticipated effect of those actions. The discharger shall review, update and submit by January 15, 1980 the contingency plan submitted pursuant to this Board's Resolution 74-10."

3. The discharger has complied with almost all of Section C of Order No. 79-147 and has submitted a report to the Board containing recommendations for immediate and intermediate treatment plant improvements, long term plant expansion needs and a time scheule for implementing the immediate improvements which include:
 - a. Improve facilities for chlorination of return activated sludge.
 - b. Install ammonia storage and feed facilities.
 - c. Install a supplemental secondary oxygen system.
 - d. Modify sulfur dioxide storage and supply facilities.
 - e. Improve polymer system to enhance secondary settling.
 - f. Install chlorination facilities for return nitrification sludge.

The discharger has not submitted a time schedule for the intermediate improvement or for the expansion of plant capacity.

4. The discharger has partially complied with Section G of Order No. 79-147 by submitting parts of an updated contingency plan. They have expanded the scope of the plan and are requesting a June 22, 1980 due date.
5. If the immediate improvements listed in Finding 3a, b and c above are not implemented, the discharger threatens to violate waste discharge requirements during the upcoming canning season, beginning in mid-July 1980. The time schedule for these facilities submitted by the discharger indicate that the critical facilities can be operational prior to mid July 1980.
6. Intermediate improvements have been identified by the discharger in order to insure reliable operation of the treatment plant until 1985. These improvements include:
 - a. Increased air capacity for the secondary aeration system.
 - b. Increased secondary clarifier capacity.

A time schedule for implementing these facilities has not been submitted by the discharger as required by Section C of Order No. 79-147.
7. Even if the immediate improvements listed in Finding 3a, b and c are implemented the discharger threatens to violate waste discharge requirements at some time beyond the 1980 canning season if the intermediate improvements listed in Finding 6 are not implemented.
8. If the current flow rate increases continue at the present rate of 3% per year, the flow at the wastewater treatment plant may reach design capacity as early as 1985. If future flow rate increases are greater than present rate increases, the flow at the wastewater treatment plant may reach design capacity prior to 1985. The discharger threatens to violate waste discharge requirements unless additional facilities are operational by the time the design capacity is reached or unless the discharger limits or restricts additional connections to the sewer system tributary to the wastewater treatment plant.
9. The State Water Resources Control Board on March 20, 1980 rescinded Section H of Order No. 79-147.
10. This action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

11. On April 15, 1980 at a meeting starting at 9:30 a.m. in the Assembly Room, State Building, 1111 Jackson Street, Oakland, after due notice to the discharger, and all other affected persons, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED that Board Order No. 79-147 is amended as follows:

- A. Item C of Order No. 79-147 shall be deleted and replaced with the following:

"C. The discharger shall comply with the following to assure continuous consistent compliance with the requirements listed in Finding 3 (of Order No. 79-147).

<u>Task</u>	<u>Compliance Date</u>
<u>I. Immediate Facilities</u>	
a. Return Activated Sludge Chlorination Facilities	
1. Begin Construction	by May 2, 1980
2. System Operational	by July 1, 1980
b. Ammonia Storage and Feed Facilities	
1. Begin Construction	by May 2, 1980
2. System Operational	by July 1, 1980
c. Supplemental Secondary Oxygen System	
1. Begin Construction	by May 12, 1980
2. Complete Construction	by July 1, 1980
3. System Operational	by July 12, 1980
d. Sulfur Dioxide Storage and Supply Facilities	
1. Complete Design	by April 21, 1980
2. Begin Construction	by June 5, 1980
3. System Operational	by August 31, 1980
e. Secondary Polymer System	
1. Complete Design	by May 1, 1980
2. Begin Construction	by June 16, 1980
3. System Operational	by August 15, 1980
f. Return Nitrification Sludge Chlorination Facilities	
1. Complete Design	by May 1, 1980
2. Begin Construction	by July 3, 1980
3. System Operational	by August 31, 1980
g. Secondary Effluent Sampling and Ammonia Analyzer	
1. Begin Construction	by June 2, 1980
2. System Operational	by August 15, 1980
<u>II. Intermediate Facilities</u>	
a. Capacity study	by May 15, 1980
b. Preliminary report for intermediate improvements	by June 30, 1980
c. Advertise for proposals (RFP) for planning for the necessary facilities	by July 15, 1980
d. Receive proposals	by August 15, 1980
e. Award contract for planning	September 1, 1980

- f. Complete and submit planning report for intermediate facilities by December 1, 1980
- g. Begin design by January 1, 1981
- h. Complete design and submit time schedule for construction by May 1, 1981
- i. Begin construction
- j. Complete construction
- k. Place facilities in operation

III. Plant Capacity Needs

The discharger shall submit, by November 1, 1980 a policy statement committing the discharger to expand the capacity of the treatment facility and/or implement a service area wide water conservation program or restrict discharge of wastewater to the discharger's treatment facility.

This policy statement shall consider contractual commitments with all tributary agencies and the discharger's ability to maintain discharges to the sewerage system at or below treatment capacities. The discharger shall document its ability to limit discharges to the sewerage system tributary to the treatment plant if necessary to keep flows from exceeding treatment capabilities.

This report shall clearly indicate how the discharger plans to provide treatment capacity for the continued growth projected in the service area or to restrict discharges of wastewater to the discharger's treatment facility such that flows at the treatment plant do not exceed its capacity. A detailed time schedule for the actions planned shall be included in the report. If expansion of the treatment facility is proposed the time schedule shall include a minimum when the following tasks will begin and will be completed:

- 1. Facilities planning
- 2. Environmental Impact Report
- 3. Plans and specifications
- 4. Construction
- 5. Start-up of facilities operation

The report shall also include a financial plan to assure that funds are available for facilities design and construction."

B. Item G of Order No. 79-147 shall read as follows:

"G. The discharger is required to submit by December 16, 1979 an interim contingency plan that will mitigate the adverse impacts on beneficial water uses during treatment plant upsets or failure to provide dechlorination pending compliance with the prohibition of discharge south of the Dumbarton Bridge or any exception. The contingency plan shall include a full description of all feasible actions to be taken, persons responsible for taking the actions and the anticipated effect of those actions. The discharger shall review, update and submit by June 22, 1980 the contingency plan submitted pursuant to this Board's Resolution 74-10."

C. Item H of Order No. 79-147 is rescinded and shall be replaced with the following:

"H. The discharger shall submit progress reports on the first and fifteenth of each month until August 1, 1980 and on the first of each month thereafter on the status of compliance with the time schedules contained in Section C (of Order No. 79-147). If noncompliance is reported the discharger shall describe the reasons for non-compliance and the estimated date by which compliance will be achieved.

The reports due on July 1, October 1, January 1, and April 1 shall include a list of all projects approved since the prior report which will have wastewater discharges tributary to the discharger's treatment facility and an estimate of the quantity of the discharge for each project. The first report due on July 1, 1980 shall also include a list of approved projects and their projected wastewater flows which will have wastewater discharges tributary to the treatment facility but have not yet been connected to the sewer system tributary to the treatment facility."

D. If the reports submitted pursuant to item C above indicate that the treatment facilities will not have sufficient capacity to treat waste from projected growth to assure continuous and consistent compliance with waste discharge requirements, the Executive Officer shall implement item I of Order No. 79-147.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 15, 1980.

FRED H. DIERKER
Executive Officer